

AMENDED IN ASSEMBLY MAY 31, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 224

Introduced by Senator Chesbro

February 15, 2005

An act to amend Sections 129875.1 and 129885 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 224, as amended, Chesbro. Health facilities: construction plans.

The existing Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires design and construction standards for hospital buildings that house patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster. The act requires the Office of Statewide Health Planning and Development (OSHPD) to approve or reject all plans for the construction or alteration of a hospital building, but authorizes OSHPD to exempt from that review or expedite the review for certain projects. Existing law requires projects for the construction or alteration of hospital buildings and skilled nursing and intermediate care facilities that are single-story, wood-frame or light steel frame construction to be exempt from plan review and inspection by OSHPD prior to construction if the facility demonstrates to OSHPD by written description of the project that specified conditions are met.

This bill would delete the requirement that hospital buildings and skilled nursing and intermediate care facilities be single-story, wood-frame, or light steel frame construction to be exempt from plan review and inspection by OSHPD prior to construction if the facility demonstrates to OSHPD by written description of the project that

specified conditions are met, and would instead require that exemption for all hospital buildings and skilled nursing and intermediate care facilities. *The bill would authorize OSHPD, in consultation with the Hospital Building Safety Board, to develop regulations to define the construction or alteration projects that are eligible for the exemptions described in the bill.*

Existing law authorizes the governing authority of a hospital to request OSHPD to perform plan review and building inspection services for any building where outpatient clinical services of a licensed health facility are provided that is separated from a building in which hospital services are provided. If OSHPD agrees to perform those services, existing law requires OSHPD to charge an amount equal to its standard fee for the construction and alteration of hospital buildings.

This bill would instead require OSHPD to perform those services upon that request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 129875.1 of the Health and Safety Code
- 2 is amended to read:
- 3 129875.1. (a) Notwithstanding Section 129875, projects for
- 4 the construction or alterations of buildings specified in paragraph
- 5 (1) of subdivision (a) of Section 129725 and buildings specified
- 6 in paragraphs (2) and (3) of subdivision (b) of Section 129725
- 7 shall be exempt from plan review and inspection by the office
- 8 prior to construction if the facility demonstrates to the office, by
- 9 written description of the project, that all of the following
- 10 conditions are met:
- 11 (1) The construction or alteration is undertaken to repair
- 12 existing systems or to keep up the course of normal or routine
- 13 maintenance.
- 14 (2) The construction or alteration either restores the facility to
- 15 the same operational status, or improves operational status from
- 16 its operating condition immediately prior to the event,
- 17 occurrence, or condition that necessitated the alteration.

(3) The scope of the construction or alteration is not ordinarily within the standard of practice of a licensed architect or registered engineer.

(4) The construction or alteration does not degrade the status or condition of the fire and life safety system from the status of the system immediately prior to the event, occurrence, or condition that necessitated the alteration.

(b) Upon completion of construction or alteration of any building subject to this section, and prior to use of the repaired system or other subject of the construction or alteration, the office shall inspect and approve the work. The office may require an interim inspection for code compliance when walls, ceilings, or other materials or finishes will cover the final work.

(c) Upon compliance with subdivision (a), the office shall issue a building permit.

(d) In consultation with the Hospital Building Safety Board, the office may develop regulations to define the construction or alteration projects that are eligible for the exemptions described in this section. The regulations shall be applicable to projects for the construction or alteration of buildings specified in paragraph (1) of subdivision (a) of Section 129725, except for those buildings that are of single-story, wood-frame or light steel frame construction.

SEC. 2. Section 129885 of the Health and Safety Code is amended to read:

129885. (a) A city or county, as applicable, shall have plan review and building inspection responsibilities for the construction or alteration of buildings described in paragraph (1) of subdivision (b) of Section 129725. The building standards for the construction or alteration of buildings specified in paragraph (1) of subdivision (b) of Section 129725 established or applied by a city or county, shall not be more restrictive or comprehensive than comparable building standards established, or otherwise applied, to clinics licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2. For chronic dialysis and surgical services buildings, construction or alteration shall include conversion of a building to a purpose specified in paragraph (1) of subdivision (b) of Section 129725.

(b) Upon the initial submittal to a city or county by the governing authority or owner of a hospital for plan review and

1 building inspection services for buildings described in paragraph
2 (1) of subdivision (b) of Section 129725 for chronic dialysis and
3 surgical services, the city or county shall reply in writing to the
4 hospital as to whether or not the plan review by the city or county
5 will include a certification as to whether or not the clinic project
6 submitted for plan review meets the clinic standards propounded
7 by the office in the California Building Standards Code.

8 If the city or county indicates that its review will include this
9 certification, it shall do all of the following:

10 (1) Apply the applicable clinic provisions of the latest edition
11 of the California Building Standards Code.

12 (2) Certify in writing to the applicant within 30 days of
13 completion of construction whether or not the standards have
14 been met.

15 (c) If, upon initial submittal, the city or county indicates that
16 its plan review will not include this certification, the governing
17 authority or owner shall submit the plans to the Office of
18 Statewide Health Planning and Development and the office shall
19 review the plans for certification to determine whether or not the
20 clinic project meets the standards propounded by the office in the
21 California Building Standards Code.

22 (d) When the office performs the certification review, the
23 office shall charge a fee in an amount not to exceed its actual
24 cost.

25 (e) Notwithstanding subdivision (a), the governing authority of
26 a hospital may request the Office of Statewide Health Planning
27 and Development to perform plan review and building inspection
28 services for buildings described in paragraph (1) of subdivision
29 (b) of Section 129725 and Section 129730. The office shall
30 perform these services upon request and shall charge an amount
31 equal to its standard fee for the construction and alteration of
32 hospital buildings. The construction or alteration of these
33 buildings shall conform to the applicable provisions of the latest
34 edition of the California Building Standards Code for purposes of
35 the plan review and building inspection of the office pursuant to
36 this subdivision. The office shall issue the building permit and
37 certificate of occupancy for these facilities.

38 (f) A building described in paragraph (1) of subdivision (b) of
39 Section 129725 that is subject to the plan review and building
40 inspection of the office pursuant to subdivision (e), may be

1 designated by the governing authority or owner of the hospital as
2 a “hospital building” as long as the building remains under the
3 jurisdiction of the office. This hospital building shall be reviewed
4 and inspected according to the standards and requirements of the
5 Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983
6 (Chapter 1 (commencing with Section 129675)).

7 (g) When a building is accepted for review by the office
8 pursuant to subdivision (e), the governing authority of the
9 hospital shall not request the city or county, as applicable, to
10 conduct plan review and building inspection for any subsequent
11 alteration of the same building, unless written notification is
12 submitted to the office by the governing authority or owner of the
13 hospital.

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